



A BILL FOR AN ORDINANCE

RELATING TO TRANSIT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Through the enactment of Ordinance 07-001, the council approved a fixed guideway system as the locally preferred alternative. Part IV, Section 7 of Ordinance 07-001, requires the city administration to submit to the council the specifications in each proposed request for proposals or invitation for bids for work that includes the planning, design, or construction of any portion of the locally preferred alternative before issuing the request or invitation. This section further prohibits the city administration from issuing the request for proposals or invitation for bids until after the specifications are approved by the council.

In response to an inquiry from a councilmember and based on the assumptions stated in the inquiry, the state procurement office issued a letter dated July 15, 2008, (Miscellaneous Communication 1544), stating that pursuant to the cited provisions of the state procurement code, the chief procurement officer of the executive branch of the city cannot delegate her authority for the mass transit project to the legislative branch of the city, and that without such designation of authority, the city council cannot intrude into the executive branch's procurement of the mass transit project by imposing a requirement that the executive branch obtain the city council's prior review and approval of the contract specifications for the mass transit project before the executive branch can issue a solicitation for the project.

The purpose of this ordinance is to amend Part IV, Section 7 of Ordinance 07-001 to require the city administration to submit to the council certain information regarding the request for proposals or invitation for bids for the mass transit project.

SECTION 2. Part IV, Section 7 of Ordinance 07-001 is amended to read as follows:

"PART IV. Specifications of Request for Proposals
Or Invitation for Bids

SECTION 7. **[Approval] Submittal of specifications of requests for proposals or invitation for bids.**

[The] Concurrent with its issuance of a request for proposals or invitation for bids for the Honolulu High Capacity Transit project, the city administration shall also submit to the council the specifications in each proposed request for proposals or invitation for bids for work, and any clarification of the request for proposals or invitation for bids sent



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to all vendors, that includes the planning, design, or construction of any portion of the locally preferred alternative [before issuing the request or invitation. The city administration shall not issue the request for proposals or invitation for bids until after the specifications are approved by the council]. In accordance with the provisions of the Hawaii Public Procurement Code and applicable administrative rules, individual councilmembers and the council may comment upon the specifications in each issued request for proposals or invitation for bids, and the administration will respond to the comments in accordance with the provisions of the Hawaii Public Procurement Code and applicable administrative rules."

SECTION 3. Ordinance material in Section 2 to be repealed is bracketed. New material in Section 2 is underscored.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 09 - 1

BILL 63 (2008), CD1, FD2

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SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Nestor Garcia


Gary Okino

DATE OF INTRODUCTION:

November 5, 2008
Honolulu, Hawaii

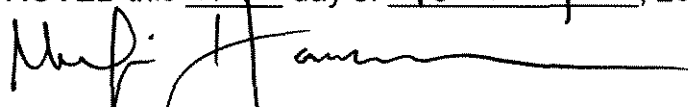
Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 12th day of February, 2009



MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 09-1

BILL 63 (2008), CD1, FD2

Introduced: 11/05/08 By: NESTOR GARCIA

Committee: TRANSPORTATION &
PLANNING


Title: A BILL FOR AN ORDINANCE RELATING TO TRANSIT.

Links: [BILL 63 \(2008\)](#)
[BILL 63 \(2008\), CD1](#)
[BILL 63 \(2008\), CD1, FD1](#)
[BILL 63 \(2008\), CD1, FD2](#)
[CR-349](#)

COUNCIL	11/12/08	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON TRANSPORTATION AND PUBLIC WORKS.
	APO Y	CACHOLA N DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI N	MARSHALL E OKINO Y TAM Y
TRANSPORTATION AND PUBLIC WORKS	11/20/08	CR-349 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
PUBLISH	11/22/08	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
COUNCIL/PUBLIC HEARING	12/03/08	CR-349 ADOPTED, BILL FURTHER AMENDED ON COUNCIL FLOOR AND SUBSEQUENTLY PASSED SECOND READING AS BILL 63 (2008), CD1, FD1, PUBLIC HEARING CLOSED AND REFERRED TO BUDGET COMMITTEE.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI N	MARSHALL E OKINO Y TAM Y
PUBLISH	12/24/08	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
	01/05/09	CC-002(09) BILL RE-REFERRED FROM TRANSPORTATION AND PUBLIC WORKS COMMITTEE TO TRANSPORTATION AND PLANNING COMMITTEE.
TRANSPORTATION AND PLANNING	01/15/09	CR-18 (2009) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
COUNCIL	01/28/09	CR-18 (2009) ADOPTED, BILL 63 (2008), CD1, FD1 FURTHER AMENDED ON COUNCIL FLOOR AND SUBSEQUENTLY PASSED THIRD READING AS AMENDED (BILL 63 (2008), CD1, FD2)
	APO Y	BAINUM Y CACHOLA Y DELA CRUZ Y DJOU Y
	GARCIA Y	MARSHALL A OKINO Y TAM Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, ACTING CITY CLERK


TODD K. APO, CHAIR AND PRESIDING OFFICER